

# **ATTACHMENT A**

July, 2006

**DECISION MEMO**  
**Livestock Grazing Management Project**  
**Diamond Mountain Allotment**

USDA Forest Service, Pacific Southwest Region, Lassen National Forest  
Eagle Lake Ranger District,  
Lassen County, California

Diamond Mountain Allotment lies on the north facing slopes of Diamond Mountain Ridge and contains intermittent streams that feed Cheney, Gold Run, Lassen, Baxter, and Elysian Creeks. The allotment totals 7,074 acres, of which 6,981 acres are administered by the Forest Service, and 93 acres are privately owned. The Diamond Mountain Allotment is displayed on the attached map (Figures 1-3).

**I. Decision To Be Implemented**

**A. Description of Decision**

My decision is to authorize continued grazing use within the project area congruent with existing management in order to maintain current progress toward attainment of desired resource conditions. My decision incorporates the following elements of the current livestock grazing management which are summarized in Appendix A (Diamond Mountain Allotment Management Plan):

- Management objectives in terms of the condition and trend of the rangeland resources within the Diamond Mountain Allotment, as summarized in Appendix A;
- Required livestock management practices at Key use areas, including maximum amount of use in terms of allowable use levels to achieve management objectives (an average of 40% allowable use in meadows, 50% in uplands, 20% on woody riparian browse, streambank disturbance standard of 20%, residual streamside stubble height of 6 inches), at Bear Flat (KA23A), Aspen Lake (KA23B), Aspen Flat (KA23C), and Gilman Basin (KA23D), as summarized in Appendix A;
- Structural or non-structural improvements within the Diamond Mountain Allotment, including four fences, one cattle guard and two stockponds; and
- Monitoring as described in Appendix A, to determine if management objectives are being met or if adaptive management alterations are needed.

These practices comply with current direction in the Lassen Land and Resource Management Plan (LRMP), as amended, and other applicable laws, regulations. Allotment monitoring has determined that current management is meeting or satisfactorily moving toward desired resource conditions. As summarized in Attachment B, (Diamond Mountain Initial Assessment), forage utilization and riparian protection has been within standards at all key areas within the last several years and the ecological condition of the key areas is estimated to be in

July, 2006

satisfactory or better condition, with a stable or improving trend. Riparian areas within the allotment appear to have reached their natural or achievable site potential.

My decision also includes the following project features:

**Diamond Mountain Allotment Management Plan (Appendix A):** The proposal will be implemented through issuance of a revised Allotment Management Plan (AMP), in accordance with FSM 2210. The (AMP) contains the pertinent livestock management direction and refines the direction deemed necessary to implement this decision. The AMP shall become a part of Part 3 of the grazing permit and will be considered an administrative action that implements this decision.

This decision will be implemented through management direction incorporated in the livestock grazing permit and will meet the requirements of the Decision and Forest Service regulations. Minor clarifications to existing management direction may derive from this decision, provided that the decision continues current management in principle and practice.

### **Integrated Design Features**

Integrated Design Features are elements of the project design that are applied in allotment areas and will include the following:

**Soil and Water:** Best Management practices (BMPs) will be implemented to meet water quality. Method and techniques for applying BMPs will follow regional guidelines. As included in Appendix A, the BMPs applicable to range management include: BMP 8.1 (range analysis, management planning and permit administration to safeguard water quality under perpetual production and forage harvest by livestock), BMP 8.2 (controlled livestock numbers and season of use to safeguard water quality under perpetual production and forage harvest by livestock), and BMP 8.3 (Rangeland Improvements).

If monitoring identifies any circumstance of noncompliance with State water quality standards, the Forest Service will respond to the situation to restore compliance.

**Noxious Weeds:** Only certified weed free hay, straw and/or mulch, and feed pellets, rolled grains, or certified weed free cubes are authorized to be used on the Forest, as per current national policy (FSM 2080.03(3)), unless approved by the authorized officer.

Known noxious weed infestations including Canada thistle at Bear Flat will be identified and mapped for this allotment. Identified noxious weed sites within or adjacent to the allotment containing isolated patches with small plant numbers will be evaluated and treated according to the species present and project constraints such as hand pulling. Monitoring for implementation and effectiveness of weed treatments and control of new infestations would be conducted as soon as possible.

July, 2006

**Heritage Resources:** A grazing strategy would be developed for heritage sites within suitable range areas of the allotment that may be impacted by cattle. A list of damage assessment criteria is included in Appendix A, to be applied when determining whether cattle are adversely affecting archaeological resources, and Standard Protection Measures that may be needed. A review of past grazing use for the Diamond Mountain Allotment and low or moderate grazing use intensity areas is shown in Appendix B.

**Wildlife:** Proper design and maintenance of fence is needed to prevent barriers to wildlife movement possible injury or death from impact or entanglement.

**Rangeland Improvements:** If additional projects are proposed within the allotments including fencing, seeding small areas of past disturbance, additional watershed improvements, or weed treatments, the exact locations and designs of new range improvements or projects would be determined later after site specific surveys are completed and subsequent project NEPA completed. Any ground disturbance, construction of new improvements or reconstruction of existing improvements would require prior approval from the Forest Officer.

## **B. Purpose and Need of Decision:**

**Background:** The allotment lies within the Diamond Management Area (MA 33) in the Lassen Land and Resource Management Plan (LRMP). This Management Area is located on the east end of the Eagle Lake Ranger District. The LRMP Allotment Strategy is "B", which provides for some livestock (the LRMP management categories are A (No Livestock), B (Some Livestock), C (Extensive Management), and D (Intensive Management)).

The Diamond Mountain Allotment is active and the current permit authorizes the grazing of 50 cow/calf pairs from 7/1 to 8/31. There are four fences, one cattle guard and two water developments (stock ponds) associated with the allotment. Allotment management involves the use of adjacent private lands. As shown on the attached maps, there are four established Key areas. Under the current system of use, the Diamond Mountain Allotment is estimated to be reaching achievable site potential.

**Purpose:** The purpose of this proposed action is to authorize livestock grazing in a manner that moves toward Forest Plan objectives and desired conditions. Authorization is needed on this allotment because:

Where consistent with other multiple use goals and objectives there is Congressional intent to allow grazing on suitable lands. (Multiple Use Sustained Yield Act of 1960, Wilderness Act of 1964, Forest and Rangeland Renewable Resources Planning Act of 1974, Federal Land Policy and Management Act of 1976, National Forest Management Act of 1976).

The allotment contains lands identified as suitable for domestic livestock grazing in the Lassen Forest Plan and continued domestic livestock grazing is consistent with the goals, objectives, standards, and guidelines of the forest plan ((LRMP Chapter 3-Summary of the A.M.S. 3-17).

July, 2006

It is Forest Service policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with land management plans. (FSM 2203.1; 36 CFR 222.2 (c)).

It is Forest Service policy to continue contributions to the economic and social well being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood. (FSM 2202.1).

Under the terms of Section 504(a) of the 1995 Rescission-Act, Public Law 104-19, a schedule for completion of Allotment Management Plans, including National Environmental Policy Act (NEPA) analysis needs to be developed and followed. To date, site-specific NEPA analysis and decisions has not been completed on this allotment and it is identified on the Lassen National Forest NEPA schedule. The Recessions Act schedule for the Lassen National Forest requires that the Allotment Management Plan for this allotment be updated by 2006.

A management plan is in place and livestock management is shown to be meeting or moving toward desired conditions. Management is consistent with forest plan standards, guidelines, goals, and objectives. There appears to be no need for other than minor change from current management.

**Need:** The purpose for implementing this action is to 1) comply with the Rescission Act, 2) maintain or improve resource conditions on the allotment, and 3) and implement a current Allotment Management Plan. In addition, the Lassen National Forest has determined the following needs concerning the Diamond Mountain Allotment.

**1) Hydrologic Function: There is a need to continue basic resource protection of Key use areas to meet water quality goals and improved riparian function.**

Most of the livestock use areas (primary range) within the allotment are located adjacent to streams. A portion of Bear Flat (KA23A) has a history of beaver activity (flooding) and at Aspen Lake (KA23B), a constructed stock pond. These past activities as well as road construction may have affected some of the area's achievable site potential.

Current management includes the LRMP streambank disturbance standard of 20% to control grazing related impacts. Monitoring of grazing use on this allotment over the past ten years shows that annual grazing utilization standards and riparian protection standards are being met under current Management.

**2) There is a need to continue managing aspen stands within the allotment for desired habitat quality.** There is a need to limit livestock use of aspen regeneration as browse in upper Gilman Basin (KA23D) and Aspen Flat (KA23C) to maintain structural diversity.

The LRMP, as amended, sets forage utilization and riparian protection standards including a woody riparian browse standard of 20%. The Diamond Mountain Allotment Management Plan incorporates these standards and monitoring shows that the riparian areas on the allotment are not being adversely affected by grazing under the current management.

July, 2006

**3) Meadow Condition: There is a need to maintain meadows in high seral or high similarity to Potential Natural Community (plants in high functional group to >50% of cover) and maintain upward trends.**

The main riparian meadows within the allotment are at Bear Flat (KA23A), Aspen Lake (KA23B), Aspen Flat (KA23C), and Gilman Basin (KA23D). One permanent long-term trend location was established at Bear Flat in 1965 and re-established in 2003. Monitoring data for this site indicates the meadow is in a moderate ecological status with an apparent static trend. Other meadows within the allotment are generally in a moderate ecological status with the exception of some isolated areas in the higher elevations associated with user created roads and off road vehicle use. There is a need to maintain the frequency of herbaceous vegetation species in high functional groups at Bear Flat and other meadows at the Key use areas. There is a need to continue monitoring trends.

The Lassen National Forest Plan requires allowable use standards based on the condition of vegetation and watersheds. Monitoring for this project indicates that livestock grazing is within the current allowable use standards (Appendix B) for these meadows.

**4) Other requirements:** Allotment direction needs to be updated to integrate management of range vegetation with direction for noxious weeds and invasive plants, heritage resources, and other resource values and resource programs.

Current management including range improvements has been effective in managing the distribution of livestock and level of grazing on specific sites. Water sources on the allotment contribute to more even distribution of forage utilization by livestock. Fencing helps minimize cattle drift onto roads as well as dispersed camping and recreation sites.

## **II. Reasons For Categorically Excluding The Decision**

**Exclusion Authority:** This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because the project is within the authority in the Chief's directive letter of March 1, 2005, hereby incorporated by reference, and meets the exclusion criteria under Section 339 2004 Consolidated Appropriations Act (P.L. 108-447). The exclusion criteria met are: (1) the decision continues current grazing management; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and (3) the decision is consistent with agency policy concerning extraordinary circumstances.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it implements current livestock grazing management, the management of the allotments is shown by monitoring to be meeting or satisfactorily moving toward forest plan objectives, and there are no effects to extraordinary circumstances (as defined in the Forest Service Handbook [FSH] 1909.15) related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

My conclusion is based on information presented in this document and the entirety of the project file located at the Eagle Lake Ranger District Office.

July, 2006

I considered several concerns brought up by the ID Team and permittee and the existing management system, which involves the use of fencing, a short grazing season, and low stocking levels. Therefore there is no potential for significant effects.

## **B. Relationship to Extraordinary Circumstances**

There are no extraordinary circumstances potentially having effects, which may significantly affect the environment. The documents cited below are hereby incorporated by reference and are found in the allotment and Diamond Mountain Allotment project file located at the Eagle Lake District Office.

### **a). Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:**

As required by Section 7(c) of the Endangered Species Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Evaluation (Botany Biological Evaluation and Assessment [BE/BA]), aquatic species (Aquatics BE), or terrestrial wildlife (Wildlife BE). There is no critical habitat for any species and it was determined that this decision will have 'no effect' on listed species or their critical habitats.

**b). Floodplains, Wetlands, or Municipal Watersheds:** The project area includes some small spring-associated wetlands. Some livestock use occurs within these areas but they are being managed consistent with Forest Plan direction, and are in an upward condition trend as a result of current management. To ensure that floodplains, wetlands, or municipal watershed -related impacts are minimized, Best Management Practices relating to livestock grazing are incorporated in the Integrated Design Features. Field review (monitoring) validates acceptable resource effects from current grazing management practices (Appendix B) and this decision should not result in significant wetlands-related impacts.

**c). Congressionally Designated Areas:** There are no Congressionally designated areas (e.g. Wilderness Areas, Wilderness Study Areas, Wild and Scenic Rivers and National Recreation Areas, adjacent national parks, adjacent national monuments, etc.).

**d). Inventoried Roadless Areas:** This decision will not affect inventoried roadless areas. No new road construction will occur as part of this decision

**e). Research Natural Areas:** The project is not in or near Research Natural Areas. This decision does not affect Research Natural Areas.

July, 2006

**f). Native American Religious or Cultural Sites:** Copies of the proposed action were sent to Tribal contacts for the area (Scoping letter mailing list, Project File). No comments on the proposal to continue livestock grazing were received and no tribal concerns were identified.

**g). Archaeological Sites, or Historic Properties or Areas:** Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A 'no properties affected' determination was made. This decision complies with the terms of Section 106 of the National Historic Preservation Act as prescribed in the National Forest Service Grazing Programmatic Agreement (PA), the Region 5 Grazing Memorandum of Understanding (MOU), and the Rangeland Use Intensity Mapping Protocol Relating to Heritage Resource Impact Analyses, Lassen National Forest (Project File).

Review of grazing use intensity for the Diamond Mountain Allotment shows annual grazing utilization data and the field visits by the Interdisciplinary Team confirmed the low level of livestock use (Appendix B, Project File, Allotment 2230 files) under current management.

**h). Other Resource Considerations:**

**Invasive Species:** Allotment surveys, analysis and monitoring have identified several infestations of noxious weeds on the Diamond Mountain Allotment including Canada thistle. This project is compatible with noxious weed management as current livestock management is allowing rangeland recovery and vegetative re-growth, which decreases the amount of disturbance and bare ground that favors noxious weed establishment.

**Travel Management Issues:** The interdisciplinary team identified several areas on the allotment where motorized vehicles are traveling off of designated routes and damaging riparian habitats. This use is not associated with allotment management, and will be dealt with through on-going travel management activities (signs, patrol and law enforcement) on the allotment.

**Public Involvement**

This project was listed in the Forest's fall 2005 quarterly edition of the Schedule Of Proposed Actions. In addition, thirty-one (31) letters that described the Proposed Action were sent to interested publics on July 22, 2005, including the Regional Water Quality Review Board, affected grazing permittees, immediately adjacent private landowners, and local Native American tribes. One individual and/or organization provided comments to the proposed action, which are located in the project files at the Eagle Lake and Almanor Ranger District offices. All information received can be found in the project record which is hereby incorporated by reference, and was used to refine the project and analysis. No extraordinary circumstances were identified.

July, 2006

## **Findings Required By And/Or Related To Other Laws And Regulations**

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

**P.L. 104 of the 1995 Rescissions Act** - Act This law allows the agency to re-issue grazing permits when they expire and requires that a schedule for NEPA analysis of grazing allotments be set. This decision completes the NEPA process for the Diamond Mountain Allotment on the Lassen National Forest schedule as amended, under the authority of the 2004 Appropriations Act (H.R. 2691/P.L. 108-108).

**Federal Land Policy and Management Act** - This Act allows the granting of easements across National Forest System Lands. The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this Act. Permits, leases, and easements are granted across National Forest System lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act.

**Forest Plan Consistency (National Forest Management Act)** - This Act requires the development of long-range land and resource management plans (Plans). The Lassen Forest Plan was approved in 1993, and it has since been amended by the Herger-Feinstein Quincy Library Group Forest Recovery Act FEIS, FSEIS and RODs (1999, 2003) and the Sierra Nevada Forest Plan Amendment FEIS (2001), FSEIS and ROD (2004). The LRMP, as amended, has been reviewed in consideration of this project. This project is in compliance with Forest Plan standards and guidelines for management of rangeland resources and watershed conservation practices (Appendix A).

**Endangered Species Act** - See Section II, Item B(a) of this document.

**Sensitive Species (Forest Service Manual 2670)** - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. Potential effects of this decision on sensitive species have been analyzed and documented in a Biological Evaluation. It was determined that this decision 'may affect but is not likely to adversely affect' sensitive species (see project file and Section II, Item B (a) of this document).

**Clean Water Act** - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources (See Section II, Item B (b) of this document).

**Wetlands (Executive Order 11990)** - See Section II, Item B(b) of this document.

**Floodplains (Executive Order 11988)** - See Section II, Item B(b) of this document.

July, 2006

**National Historic Preservation Act** - See Section II, Item B(g) of this document.

**Archaeological Resources Protection Act** - See Section II, Item B(g) of this document.

**Native American Graves Protection and Repatriation Act** - See Section II, Item B(f) of this document.

**Wild and Scenic Rivers Act** - See Section II, Item B (c) of this document.

**Environmental Justice (Executive Order 12898)** - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

**National Environmental Policy Act** - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

#### **V. Administrative Review Or Appeal Opportunities.**

The project is within the authority in the Chief's directive letter of March 1, 2005 and meets the exclusion criteria under Section 339 2004 Consolidated Appropriations Act (P.L. 108-447). This authority is in effect for fiscal years 2005 through 2007; no new handbook directives under Forest Service Handbook 1909.15, Chapter 30 are being developed.

This decision is not subject to an administrative review or appeal pursuant to 36 CFR 215. This decision is subject to appeal pursuant to 36 CFR 251.82(3) by those who hold or, in certain instances, those who apply for written authorizations to occupy and use National Forest System lands. An appeal for initial review may be filed by those who hold or, in certain instances, those who apply for written authorizations to occupy and use National Forest System lands. To appeal this decision under 36 CFR 251, a written Notice of Appeal, meeting the content requirements at 36 CFR 251.90, must be postmarked or received within 45 calendar days after the date of notice of this decision to applicants and holders of written authorization to occupy and use National Forest System land. However, when the 45-day filing period would end on a Saturday, Sunday, or Federal Holiday, the filing time is extended to the end of the next Federal working day.

The Notice of Appeal must be sent to: USDA, Forest Service, Lassen National Forest, ATTN: Laurie Tippin, Forest Supervisor, 2550 So. Riverside Drive, Susanville, Ca, 961330. The Notice of Appeal may alternatively be hand delivered or faxed (530) 252-6429) to the above address.

A copy of the appeal must simultaneously be sent to the Eagle Lake District Ranger, Robert W. Andrews, 477-050 Eagle Lake Road, Susanville, CA 96130, fax, (530) 252-5803. The Eagle Lake Ranger District office is open from 8:00 am through 4:30 pm Monday through Friday, (530) 257-4188.

July, 2006

If an appeal is filed, I am willing to meet and discuss concerns. Additionally, if an appeal is filed, an oral presentation concerning the appeal (36 CFR 251.97) and/or stay of implementation (36 CFR 251.91) of the decision may be requested at any time prior to closing the appeal record.

#### **VI. Implementation Date**

This decision will be implemented immediately upon issuance, and may be implemented during the appeals process unless the reviewing officer grants a stay (36 CFR 251.91).

#### **VII. Contact Person**

For more information, please contact Bernice McProud at the Almanor Ranger Station, 900 Highway 36, P.O. Box 767, Chester, California 96020, and (530) 258-2141.

*Robert W. Andrews*

*7/12/2006*

ROBERT W. ANDREWS

Date

District Ranger

Responsible Official

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